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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE JEFFREY T. MILLER)

UNITED STATES OF AMERICA,)	Case No. 10-CR-4246 (JM)
)	
Plaintiff,)	
)	
v.)	<u>STATEMENT OF ISSUES FOR</u>
)	<u>APRIL 5, 2012 STATUS</u>
BASAALY MOALIN, <i>et. al.</i>)	<u>CONFERENCE</u>
)	
Defendant.)	

PLEASE TAKE NOTICE that defendant BASAALY MOALIN makes this statement to the Honorable Jeffrey T. Miller, United States District Judge for the Southern District of California, located at 940 Front Street, San Diego, California, setting forth the issues that the defendants seek to address at the status conference now scheduled for April 5, 2012, at 9:00 a.m. Defendants Mohamed Mohamud, through attorney Linda Moreno, Ahmed Nasir Mohamud through attorney Tom Durkin, and Issa Doreh through attorney Ahmed Ghappour, join in this statement.

The issues defendants intend to raise at the conference are as follows:

- (1) defendants wish to address the schedule for depositions pursuant to Rule 15, Fed.R.Crim.P. There are multiple witnesses in Somalia who are critical to the defense, and cannot travel to the United States. A schedule for the Rule 15 motions, and, if granted, the corresponding depositions, should be established;

- (2) defendants also intend to identify for the Court certain exculpatory material that defense counsel believes is in the government's possession, and for which defense counsel has previously asked. The information relates to potential witnesses for the government or, alternatively, the defense, some of whom have made potentially exculpatory statements in the grand jury or during the course of the investigation;
- (3) defendants also wish to address any questions the Court may have with respect to their outstanding pretrial motions. Defendants are prepared to argue their Joint Motions to (a) Suppress Evidence Generated by Electronic Surveillance and Searches Conducted Pursuant to the Foreign Intelligence Surveillance Act; and (b) Deny the Government's Request to File Its CIPA §4 Application *Ex Parte*, and Compel Disclosure of the CIPA §4 Application to Cleared Defense Counsel;
- (4) also, should the Court request an *ex parte* in camera meeting with defense counsel to discuss material submitted by government pursuant to CIPA §4, and that material's impact on the defense, defense counsel are available;
- (5) in addition, defendants wish to apprise the Court of an issue with respect to the interpreter who served as the Somali translator during the most recent court appearance in this case; and
- (6) defendants wish to inform the Court of the on going difficulties in obtaining independent translations of the recorded conversations.

The defendants respectfully request to be heard on these matters on April 5, 2012, at 9:00 a.m.

Respectfully submitted,

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– *Of Counsel* –

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1 To: THE HON. JEFFREY T. MILLER
2 UNITED STATES DISTRICT JUDGE
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4 WILLIAM COLE
5 CAROLINE HAN
6 ASSISTANT UNITED STATES ATTORNEYS
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8 ALL DEFENSE COUNSEL
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